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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,450	01/27/2004	Tatsutoshi Kitajima	248088US2	8704

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EXAMINER	
LE, TUAN H	

ART UNIT	PAPER NUMBER
2622	

NOTIFICATION DATE	DELIVERY MODE
08/25/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/764,450	KITAJIMA, TATSUTOSHI	
	Examiner	Art Unit	
	TUAN H. LE	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 May 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *14-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *14-16,18 and 20-23* is/are rejected.

7)☒ Claim(s) *17 and 19* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 5/5/2008 have been fully considered but they are not persuasive.

Regarding **claim 14**, the applicant submits that Misawa (US 7,136,102) does not involve an external communication device. Thus, the input of voice concurrently with imaging in the digital still camera of Misawa does not teach or suggest "communication of the continuous data by the communication portion for continuous data is capable of communicating concurrently with at least one of the data communication by the camera control inter face portion and the data communication by the media interface portion.", Remarks, page 9, paragraph 2. However, the examiner respectfully disagrees.

On the other hand, the combined voice and image data in a camera as described by Misawa in Fig. 3 and columns 5 and 6 is implemented in the camera 1A or 1B in the communication system 80A of Fig. 1 of Watanabe (US 7,027,084). With this implementation, the camera is now able to transmit /receive continuous data to/from an external device.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 14-16, 18, 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanable (U.S. 7,027,084) in view of Yamagishi (U.S. 6,327,001) and further in view of Misawa (U.S. Pat. 7,136,102).

Regarding **claim 14**, Watanabe discloses an image processing apparatus (see Watanable, Fig. 1 and Fig. 3), comprising:

a camera function portion (1A) which includes a central processing unit (CPU 20) to control the entire image processing apparatus, an operating portion (15) to input an operation externally, an imaging portion (22) to photograph an image of a subject, a digital processing portion (25,26,27) to perform a digital processing to various signals including photographing data of said imaging portion, a displaying portion (9) to display image data processed by said digital processing portion, a communication function portion (29) house in said image processing apparatus or provided attachably and detachably on said main body of said image processing apparatus and configured to communicate with said external communication device (phone 40A), and a data storing portion (35) to store digital data which relates to said digital processing portion;

a communication judging portion (inherent part) to judge whether or not a communication with an external communication device with respect to a signal from said external communication device is possible (Watanabe, Fig. 1, wherein the camera is designed to communicate with the external phone; therefore, it is necessary to check if connection is possible);

a data communication portion (CPU 20 and communication interface 29) which carries out the communication with said external communication device (40) when it is

judged by said communication judging portion that the communication is possible, and transmits communication data,

a control interface portion (CPU 20 and communication interface 29) to control said camera function portion using control data from said external communication device (Watanabe, Fig. 9, wherein frame number and resize instruction is sent),

wherein the communication data with the external communication device (40A) include a media interface program (inherent part) to transmit data to and receive data from said digital processing portion (25-27) in said camera function portion (1A), a media interface portion (CPU 20 and communication interface 29) to carry out at least one of processing of digital processing data in said digital processing portion received at said external communication device and processing of transmitted data from said external communication device in the digital processing portion, using the control data from said external communication device, (Watanabe, Fig. 9, wherein with resize control signal, image data is resized),

wherein the data communication portion (CPU 20 and communication interface 29) includes a communication portion for continuous data to mutually transmit and receive continuous data between the image processing apparatus and said external communication device, (Watanabe, Fig1, Fig. 3 and Fig. 9, wherein re-size instruction and re-size image data are continuous data).

However, Watanabe does not disclose

a program to control said camera function portion from said external communication device to said external communication device,

On the other hand, Yamigishi discloses a program (program storing 50) to control camera function portion (200) from said external communication device to said external communication device (300), (see Yamagishi, Fig. 1, Fig. 14 and column 6 lines 53 to 56, wherein a program describing how to operate the image pickup apparatus 200 is downloaded onto the image processing apparatus/portable phone).

Therefore, it would have been obvious to an artisan to combine the program as described by Yamagishi with the image processing apparatus as described by Watanable such that the program is transmitted the external device because such combination allows the imaging apparatus to be remotely controlled, resulting convenience for users.

Watanabe and Yamigishi do not disclose

the communication of the continuous data by the communication portion for continuous data is capable of communicating concurrently with at least one of the data communication by the camera control interface portion and the data communication by the media interface portion.

On the hand, Misawa discloses

the communication of the continuous data (voice data attached to image data) by the communication portion for continuous data is capable of communicating concurrently with at least one of the data communication by the camera control interface portion and the data communication by the media interface portion (Misawa, column 1 lines 35-45, Fig. 1, and Fig. 2, wherein image data and voice data are combined into one file).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the combined voice and image data as described by Misawa into the imaging apparatus as described by Watanabe and Yamagishi such that voice data is transmitted to and received from an external device because such incorporation provides more information from the image environment when the combined voice and image data is play-backed.

Regarding **claim 15**, as previously mentioned in the discussion of claim 14, Watanable, Yamagishi, and Misawa discloses all of the limitations of the parent claims. In addition, Watanabe discloses

at least one of voice play back of voice data from said external communication device and playback display of the image data from said communication device is carried out, when it is at least judged by said communication judging portion that the communication is possible (Watanabe, Fig. 9, wherein image data is expand and display).

Regarding **claim 16**, as previously mentioned in the discussion of claim 14, Watanable, Yamagishi, and Misawa discloses all of the limitations of the parent claims. In addition, Watanabe discloses

the media interface program (inherent part) of the communication data with the external communication device transmits and receives data in said data storing portion (35) in the camera function portion (Watanabe, Fig. 3 and Fig. 9, wherein image data is stored in memory card 35 and buffer 33), and

wherein the media interface portion (CPU 20 and communication interface 29) of said data communication portion carries out at least one of readout of the data from said data storing portion and recording of the data to the data storing portion, using said control data from said external communication device, (see Watanable, Fig. 3, Fig. 7, and column 7 lines 54-57, wherein when in data receiving phase, camera 1A stored received image data into memory 35).

said media interface portion includes means configured

Regarding **claim 18**, as previously mentioned in the discussion of claim 16, Watanable, Yamagishi, and Misawa discloses all of the limitations of the parent claims. In addition, Misawa discloses

said media interface portion (CPU 20 and communication interface 29) transmits the voice data stored in said data storing portion on the camera function portion to the external communication device (Misawa, Fig. 2, wherein image data and voice data are combined; therefore, they are transmitted at the same time).

Regarding **claim 20**, as previously mentioned in the discussion of claim 16, Watanable, Yamagishi, and Misawa discloses all of the limitations of the parent claims. In addition, Watanabe discloses

said media interface portion (CPU 20 and communication interface 29) includes means configured to resize the image data in said camera function portion of said image processing apparatus according to a resizing method based on control data transmitted from said external communication device and transmit the resized image

data to the external communication device (Watanabe, Fig. 9, wherein resized image is sent).

Regarding **claim 21**, as previously mentioned in the discussion of claim 16, Watanable, Yamagishi, and Misawa discloses all of the limitations of the parent claims. In addition, Watanabe discloses

said media interface portion includes means configured to receive symbol information created by using a function for creating the symbol information which includes characters provided in said external communication device and add the symbol information to a selected recording file of said data storing portion in said camera function portion(see Watanable, Fig. 11, wherein phone number used for transmission and resize resolution generated by portable phone 40A is stored in header file of image data in 1A).

Regarding **claim 22**, as previously mentioned in the discussion of claim 16, Watanable, Yamagishi, and Misawa discloses all of the limitations of the parent claims. In addition, Watanabe discloses

said media interface portion further includes means configured to receive the symbol information which includes the characters provided in said external communication device to the image processing apparatus as image information which is utilized even in said camera function portion in the imaging apparatus (see Watanable, Fig. 1 and Fig. 9, wherein after portable phone transmits resize resolution for a selected image, image resolution is later on displayed on the camera 1A with the selected image).

media interface portion further includes means configured to transmit information capable of selecting a method of selecting and specifying of a data file alternatively from a plurality of methods of the selecting and the specifying including a method of selectively specifying the data file by displaying an original file name of said data file on a displaying portion in said external communication device (40A) and a method of selectively specifying the data file by displaying the symbol information added to said data file on the display portion, when specifying the data file stored to said data storing portion which is in said camera function portion from said external communication device (see Watanable, Fig. 4, wherein selecting and specifying data file is performed on the basis of original file name).

Allowable Subject Matter

Claims 17 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record neither anticipate nor renders obvious the limitation that voice data is transmitted from a portable phone to a camera and is recorded in camera memory.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Le whose telephone number is (571) 270-1130. The examiner can normally be reached on M-Th 7:30-5:00 F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David L. Ometz/
Supervisory Patent Examiner, Art Unit 2622

/Tuan Le/